

## REMARKS

### Priority:

The Petition for priority has been granted. The Examiner points out that the specification reference should be updated to reflect applications that are abandoned. In response, Applicants have amended the specification to note the abandoned priority references.

The Examiner has granted priority of the currently examined claims to November 7, 2001 because support for the claims could not be found in the priority specifications. Applicants have amended the claims such that support in the priority references is made clear.

Claim 1 has been amended to recite: “A process for delivering, without a transfection reagent used in the prior art, a polynucleotide into a cell of a mammal to inhibit, eliminate or alter expression of an endogenous nucleotide sequence.” The term ‘naked’ has been defined in the priority specification as ‘without a transfection reagent used in the prior art.’ Applicants believe the clarity of claim1 is improved by including the definition which can be found in the priority Patent No. 6,627,616 in column 3, lines 39-45. The terms ‘inhibit, eliminate or alter expression of an endogenous nucleotide sequence’ may be found in the ‘616 patent in column 6, lines 37-39.

Applicants believe their amendments reciting the exact terminology and technology from the priority patent should obviate the Examiner’s rejection.

### Rejection under 35USC102:

Claims 1, 3-6, 8, 13-15 have been rejected under §102(b) as being anticipated by Kumasaka *et al.*

Claims 1, 3-6, 8, 13-16 have been rejected under §102(b) as being anticipated by Graham *et al.*

Claims 1, 3, 4-5, 7, 9, and 13-15 have been rejected under 102(e) as being anticipated by Kay *et al.*

Applicants have amended the claims to recite exact terminology from their priority patent. Therefore, Applicants submit that the cited prior art is no longer prior and should be removed as references.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1, 3-9 and 13-16 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being sent by web-based transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 8/10/07.

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